

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ANDREW MCINTOSH, Individually and On Behalf of All Others Similarly Situated, Plaintiff, vs. VEECO INSTRUMENTS, INC., et al., Defendants.

BARRY LINZER, On Behalf of Himself and All Others Similarly Situated, Plaintiff, vs. VEECO INSTRUMENTS, INC., et al., Defendants.

BRUCE KANTOR, On Behalf of Himself and All Others Similarly Situated, Plaintiff, vs. VEECO INSTRUMENTS, INC., et al., Defendants.

---

x

[Caption continued on following page.]

DECLARATION OF MARIO ALBA, JR. IN SUPPORT OF MOTION TO APPOINT NECA-IBEW PENSION FUND (THE DECATUR PLAN) AS LEAD PLAINTIFF, TO APPROVE LEAD PLAINTIFF'S CHOICE OF LEAD COUNSEL PURSUANT TO §21D(A)(3)(B) OF THE SECURITIES EXCHANGE ACT OF 1934, AND TO CONSOLIDATE RELATED ACTIONS PURSUANT TO RULE 42 OF THE FEDERAL RULES OF CIVIL PROCEDURE

\_\_\_\_\_  
x  
GEORGE F. WALKER, Individually and On : Civil Action No. 2:05-CV-01003-JS-ETB  
Behalf of All Others Similarly Situated, :  
Plaintiff, :  
vs. :  
VEECO INSTRUMENTS, INC., et al., :  
Defendants. :  
PHILIP G. COLLINS, On Behalf of Himself : Civil Action No. 2:05-CV-01277-LDW-ETB  
and All Others Similarly Situated, :  
Plaintiff, :  
vs. :  
VEECO INSTRUMENTS, INC., et al., :  
Defendants. :  
SERVAAS HOLTHUIZEN, Individually and : Civil Action No. 2:05-CV-01337-LDW-ETB  
On Behalf of All Others Similarly Situated, :  
Plaintiff, :  
vs. :  
VEECO INSTRUMENTS, INC., et al., :  
Defendants. :  
GERALD J. VOGT, et al., On Behalf of : Civil Action No. 2:05-CV-01430-LDW-ETB  
Themselves and All Others Similarly Situated, :  
Plaintiffs, :  
vs. :  
VEECO INSTRUMENTS, INC., et al., :  
Defendants.  
x

[Caption continued on following page.]

---

x

TIMOTHY JOE GROVE, On Behalf of : Civil Action No. 2:05-CV-01552-LDW-ETB  
Himself and All Others Similarly Situated, :  
Plaintiff, : CLASS ACTION  
vs. :  
VEECO INSTRUMENTS, INC., et al., :  
Defendants. :  
----- x

I, Mario Alba, Jr., declare as follows:

1. I am an attorney duly licensed to practice before the courts of the State of New York.

I am associated with the law firm of Lerach Coughlin Stoia Geller Rudman & Robbins LLP, counsel for NECA-IBEW Pension Fund (The Decatur Plan) ("NECA") and proposed lead counsel for the class. I make this declaration in support of the Motion to Appoint NECA-IBEW Pension Fund (The Decatur Plan) as Lead Plaintiff and to Approve Lead Plaintiff's Choice of Lead Counsel Pursuant to §21D(a)(3)(B) of the Securities Exchange Act of 1934, and to Consolidate Related Actions Pursuant to Rule 42 of the Federal Rules of Civil Procedure. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. Attached are true and correct copies of the following exhibits:

Exhibit A: Sworn Certification executed by NECA;

Exhibit B: Chart of NECA's Purchases and Losses;

Exhibit C: Notice of class action filed against Veeco Instruments, Inc., published on *PrimeZone Media Network* on February 15, 2005; and

Exhibit D: Lerach Coughlin Stoia Geller Rudman & Robbins LLP Firm Resume.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 18th day of April, 2005, at Melville, New York.

/s/ Mario Alba, Jr.

---

MARIO ALBA, JR.

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is 401 B Street, Suite 1600, San Diego, California 92101.

2. That on April 18, 2005, declarant served the **DECLARATION OF MARIO ALBA, JR. IN SUPPORT OF MOTION TO APPOINT NECA-IBEW PENSION FUND (THE DECATUR PLAN) AS LEAD PLAINTIFF, TO APPROVE LEAD PLAINTIFF'S CHOICE OF LEAD COUNSEL PURSUANT TO §21D(a)(3)(B) OF THE SECURITIES EXCHANGE ACT OF 1934, AND TO CONSOLIDATE RELATED ACTIONS PURSUANT TO RULE 42 OF THE FEDERAL RULES OF CIVIL PROCEDURE** by depositing a true copy thereof in a United States mailbox at San Diego, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 18, 2005, at San Diego, California.

*/s/ Diana L. Houck*

---

DIANA L. HOUCK

VEECO INSTRUMENTS (EDNY)

Service List - 4/18/2005 (05-0043)

Page 1 of 3

**Counsel For Defendant(s)**

Robert F. Serio

Gibson, Dunn & Crutcher LLP

200 Park Avenue, 47th Floor

New York, NY 10166-0193

212/351-4000

212/351-4035(Fax)

**Counsel For Plaintiff(s)**

Mark C. Gardy

Abbey Gardy, LLP

212 East 39th Street

New York, NY 10016

212/889-3700

212/684-5191(Fax)

Evan J. Smith

Marc L. Ackerman

Brodsky & Smith, LLC

240 Mineola Blvd., 1st Floor

Mineola, NY 11501

516/741-4977

610/667-9029(Fax)

Steven J. Toll

Daniel S. Sommers

Julie Goldsmith Reiser

Cohen, Milstein, Hausfeld & Toll, P.L.L.C.

1100 New York Ave., N.W., Suite 500

Washington, DC 20005-3964

202/408-4600

202/408-4699(Fax)

Catherine A. Torell

Cohen, Milstein, Hausfeld & Toll, P.L.L.C.

150 East 52nd Street, 13th Floor

New York, NY 10022

212/838-7797

212/838-7745(Fax)

Alfred G. Yates, Jr.

Law Offices of Alfred G. Yates, Jr., P.C.

519 Allegheny Building

429 Forbes Avenue

Pittsburgh, PA 15219

412/391-5164

412/471-1033(Fax)

Brian M. Felgoise

Law Offices of Brian M. Felgoise, P.C.

261 Old York Road, Suite 423

Jenkintown, PA 19046

215/886-1900

215/886-1909(Fax)

VEECO INSTRUMENTS (EDNY)

Service List - 4/18/2005 (05-0043)

Page 2 of 3

Charles J. Piven  
Law Offices of Charles J. Piven, P.A.  
The World Trade Center-Baltimore  
401 East Pratt Street, Suite 2525  
Baltimore, MD 21202  
410/332-0030  
410/685-1300(Fax)

Marc S. Henzel  
Law Offices of Marc S. Henzel  
273 Montgomery Avenue, Suite 202  
Bala Cynwyd, PA 19004  
610/660-8000  
610/660-8080(Fax)

Steven G. Schulman  
Peter E. Seidman  
Milberg Weiss Bershad & Schulman LLP  
One Pennsylvania Plaza  
New York, NY 10119  
212/594-5300  
212/868-1229(Fax)

Jules Brody  
Aaron Brody  
Tzivia Brody  
Stull, Stull & Brody  
6 East 45th Street, 4th Floor  
New York, NY 10017  
212/687-7230  
212/490-2022(Fax)

Curtis V. Trinko  
Law Offices of Curtis V. Trinko LLP  
16 West 46th Street, Seventh Floor  
New York, NY 10036  
212/490-9550  
212/986-0158(Fax)

Samuel H. Rudman  
David A. Rosenfeld  
Mario Alba, Jr.  
Lerach Coughlin Stoia Geller Rudman &  
Robbins LLP  
200 Broadhollow Road, Suite 406  
Melville, NY 11747  
631/367-7100  
631/367-1173(Fax)

Marc A. Topaz  
Richard A. Maniskas  
Schiffrin & Barroway, LLP  
280 King of Prussia Road  
Radnor, PA 19087  
610/667-7706  
610/667-7056(Fax)

Joseph H. Weiss  
Weiss & Lurie  
551 Fifth Avenue, Suite 1600  
New York, NY 10176  
212/682-3025  
212/682-3010(Fax)

VEECO INSTRUMENTS (EDNY)

Service List - 4/18/2005 (05-0043)

Page 3 of 3

Fred T. Isquith  
Christopher S. Hinton  
Wolf Haldenstein Adler Freeman & Herz, LLP  
270 Madison Avenue  
New York, NY 10016  
212/545-4600  
212/545-4653(Fax)